

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

MYNETTE TECHNOLOGIES, INC.  
and STEVEN M. COLBY,

Plaintiffs,

V.

THE UNITED STATES,

Defendant,

and

GEMALTO, INC. and IDEMIA IDENTITY  
& SECURITY USA LLC,

### Intervenor-Defendants.

Case No. 16-cv-01647-RTH

Judge Ryan T. Holte

**JOINT MOTION TO AMEND CASE SCHEDULE**

Plaintiffs Mynette Technologies, Inc. (“Mynette”) and Steven M. Colby, Defendant, the United States (“the Government”), and Intervenor-Defendants Gemalto, Inc. (“Gemalto”) and Idemia Identity and Security USA LLC (“Idemia”) (collectively, “the Parties”) respectfully submit this Joint Motion to Amend Case Schedule.

The Parties have jointly agreed that case schedule should be extended to accommodate additional remaining discovery matters. The Parties have further agreed upon the following amended schedule for consideration by the Court, and respectfully move the Court to adopt this case schedule. For the reasons that follow, the Parties submit that good cause exists for this proposed schedule amendment.

First, the Parties have continued to confer and reach agreement related to certain discovery issues raised in the last Joint Motion (ECF No. 120). The Parties have also produced a number of

the documents referenced in their last Joint Motion (ECF No. 120), and are currently in the process of finalizing additional productions and written discovery responses, and agree that a short extension is needed to complete them. For instance, Plaintiffs requested certain additional documents and things, to include financial reports updated through the end of the last Government fiscal year (which ended September 30<sup>th</sup>, 2021), from the Department of State and the Government Publishing Office that were identified in recent depositions. These agencies have advised that it takes 6-9 weeks after the end of the fiscal year to reconcile and finalize their financials for that fiscal year. Thus the Government does not anticipate being able to produce such updated information until mid-to-late November. Therefore, the Government requires additional time within which to collect, review and produce these documents. Plaintiffs and Gemalto also anticipate producing additional documents.

Second, the Parties have met and conferred about the impact that Mr. Yorio's ownership interest in Mynette has any on the Protective Order and scope of discovery in this case. As referenced in the last Joint Motion (ECF No. 120), the parties have agreed to a deposition of Mr. Yorio and an additional deposition of plaintiff Steven M. Colby, and further agree that the short, requested extension is needed so that Plaintiffs can complete their document production and privilege log prior to those depositions taking place. In addition, Plaintiffs have recently filed a motion concerning the Protective Order issue (ECF No. 122), which includes a declaration from Mr. Yorio.

Further, Gemalto has served the additional discovery it referenced in the last Joint Motion (ECF No. 120), and the requested extension is needed to accommodate the schedule of third-party witnesses and their counsel.

The deadlines proposed herein will allow the parties to complete depositions, produce outstanding documents and things, and resolve any remaining discovery disputes, all while accommodating the schedule of counsel and the witnesses.

Accordingly, for the reasons set forth herein, the parties respectfully request that the Court adopt the following schedule:

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Close of fact discovery, including for damages-related fact discovery.	October 22, 2021	December 3, 2021
RCFC 26(a)(2)(A) disclosure of experts and CVs (except for damages)	November 12, 2021	December 22, 2021
Exchange of RCFC 26(a)(2)(B) opening expert reports on issues upon which the parties carry the burden of proof (except for damages)	January 21, 2022	March 11, 2022
Exchange of RCFC 26(a)(2)(B) responsive expert reports (except for damages)	March 4, 2022	April 20, 2022
Close of expert discovery (for all issues other than damages)	March 25, 2022	May 13, 2022
Deadline for Dispositive Motions Under RCFC 56	May 20, 2022	June 29, 2022
Deadline for Responses to Dispositive Motions	June 17, 2022	July 29, 2022
Deadline for Replies to Dispositive Motions	July 1, 2022	August 12, 2022
Pretrial Conference	Not Set	Not Set
Trial on liability (10 days)	Not Set	Not Set

Respectfully submitted,

By: /s/ Robert J. Yorio

Robert J. Yorio  
CARR & FERRELL LLP  
120 Constitution Drive  
Menlo Park, California 94025  
Telephone: (650) 812-3400  
Facsimile: (650) 812-3444  
Email: yorio@carrferrell.com

*Counsel for Plaintiffs,  
Mynette Technologies, Inc. and  
Steven M. Colby*

October 15, 2021

BRIAN M. BOYNTON  
Acting Assistant Attorney General

GARY L. HAUSKEN  
Director

/s/ Michel E. Souaya  
MICHEL E. SOUAYA  
Commercial Litigation Branch  
Civil Division  
Department of Justice  
Washington, D.C. 20530  
michel.e.souaya@usdoj.gov  
Telephone: (202) 307-0334

*Of Counsel:*  
CONRAD J. DeWITTE, JR.  
Department of Justice

COUNSEL FOR THE DEFENDANT,  
THE UNITED STATES

October 15, 2021

By: /s/ Edward D. Johnson  
Edward D. Johnson  
MAYER BROWN LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real,  
Palo Alto, California 94306  
Telephone: (650) 331-2000  
Email: wjohnson@mayerbrown.com

*Counsel for Third-Party Defendant,  
Gemalto, Inc.*

October 15, 2021

By: /s/ Richard L. Brophy  
Richard L. Brophy  
ARMSTRONG TEASDALE LLP

7700 Forsyth Blvd., Suite 1800  
St. Louis, Missouri 63105  
Telephone: (314) 621-5070  
Email: rbrophy@atllp.com

*Counsel for Third-Party Defendant,  
Idemia Identity & Security USA LLC*

October 15, 2021